

Service Date: February 3, 2000

FINAL ORDER NO. 6472

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF The McGree Corporation,) Docket No. T-99.40.PCN
Butte, Montana, Application for a) Order No. 6472
Montana Intrastate Certificate of)
Public Convenience and Necessity.)

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On November 1, 1999, , The McGree Corporation, Butte, Montana, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class D - Solid Waste between all points and places within a twenty (20) mile radius of Butte, Montana, including the City of Butte, Montana. LIMITATION: Transportation is limited to service within Silver Bow, County.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public December 7, 1999. That notice said in pertinent part:

If no written protests are received by December 27, 1999, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Guilio Disposal Service, Inc., Boulder, Montana and Anaconda Disposal Service, Inc., Anaconda, Montana.

4. All protests were withdrawn after clarification of service area was explained to protestants by Commission staff.

5. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on Monday, the 10th day of January, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-99.40.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of The McGree Corporation, Butte, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class D - Solid waste between all points and places within a twenty (20) mile radius of Butte, Montana, including the City of Butte, Montana. Carrier is authorities to transport authorized commodities to certified landfills from territory authorized.

LIMITATION: Transportation is limited to movements conducted in Silver Bow County.

IT IS FURTHER ORDERED that a full, true, and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 10th day of January, 2000, by a vote of 5-0.
BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

DAVE FISHER, Chairman

NANCY McCaffree, Vice Chair

BOB ANDERSON, Commissioner

GARY FELAND, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.